



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 10, 1998

Captain Robert Taylor  
Amarillo Police department  
200 East 3<sup>rd</sup>  
Amarillo, Texas 79101-1514

OR98-0655

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113871.

The Amarillo Police Department (the "department") received a request for four particular offense reports. You seek to withhold portions of one of the requested reports from required public disclosure based on section 552.108 of the Government Code.

Section 552.108 of the Government Code reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

...

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You state that the investigation of the case "has been concluded" and "has not been adjudicated and therefore has not resulted in a conviction or deferred adjudication against any person." A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in some final result other than a conviction or deferred adjudication. Although you did not fully explain this, information on the submitted documents shows that the investigation did not result in conviction or deferred adjudication. Therefore, section 552.108(a)(2) is applicable.

However, "basic information about an arrested person, an arrest, or a crime," is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information refers to the front page offense report information discussed in the case of *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976). We therefore conclude that, with the exception of such "basic information," the department may withhold the requested report from the requestor based on section 552.108(a)(2) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID# 113871

Enclosures: Submitted documents

cc: Ms. Blanca Estella Urrutia  
1708 East 6<sup>th</sup> Street  
Amarillo, Texas 79102  
(w/o enclosures)